

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.

Counsellors at Law
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Attorneys for Movant
TOWNE MORTGAGE COMPANY
R.A. LEBRON, ESQ.
XTWNJ001
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In Re:

JAMES LATORRACA

Debtor(s).

Case No.: 19-26829 MBK

Chapter: 13

Hearing Date: March 10, 2021

Judge: Honorable Michael B.
Kaplan, Chief Judge



Order Filed on March 29, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: March 29, 2021

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant:	<u>TOWNE MORTGAGE COMPANY</u>
Applicant's Counsel:	<u>Fein, Such, Kahn & Shepard, P.C.</u>
Debtor's Counsel:	<u>JAMES J. CERBONE, ESQ.</u>
Property Involved (Collateral")	<u>1754 INWOOD PLACE FORKED RIVER, NJ 08731</u>

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent
 imposition of automatic stay against the
 collateral by debtor's future bankruptcy
 filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is
(are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 5 months, from November, 2020
to March, 2021.

☒ The Debtor is overdue for 2 payments at \$1,940.80 for
November, 2020 to December, 2020 and 3 payments at \$1,951.70
for January, 2021 to March, 2021 with \$1,829.92 in suspense.

☐ The Debtor is assessed for N/A late charges at N/A per
month.

☐ Applicant acknowledges receipt of funds in the amount of
N/A received after the motion was filed.

Total Arrearages Due \$7,906.78.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of
\$3,903.40. Payment shall be made no later than March 31,
2021.

☒ Beginning on April 1, 2021, regular monthly mortgage
payments shall continue to be made in the amount of
\$1,951.70.

☐ Beginning on N/A, additional monthly cure payments shall
be made in the amount of \$N/A for N/A months.

☒ The amount of \$4,003.38 shall be capitalized in the Debtor's Chapter 13 plan. The Debtor must file a modified plan and budget within 7 days.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: Towne Mortgage Company
P.O. Box 33662
Detroit, MI 48232-5662

☒ Regular monthly payment: Towne Mortgage Company
P.O. Box 33662
Detroit, MI 48232-5662

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$650.00, and costs of \$188.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

In re:
James Latorraca
Debtor

Case No. 19-26829-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Mar 29, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 31, 2021:

Recip ID	Recipient Name and Address
db	+ James Latorraca, 1754 Inwood Place, Forked River, NJ 08731-3925

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 31, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 29, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor QUICKEN LOANS INC. dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
James J. Cerbone	on behalf of Debtor James Latorraca cerbonelawfirm@aol.com cerbonejr83307@notify.bestcase.com
John R. Morton, Jr.	on behalf of Creditor CAB East LLC serviced by Ford Motor Credit Company LLC ecfmail@mortoncraig.com, mortoncraigcf@gmail.com
Nicholas V. Rogers	on behalf of Creditor QUICKEN LOANS INC. nj.bkecf@fedphe.com
R. A. Lebron	

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Mar 29, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor TOWNE MORTGAGE COMPANY bankruptcy@fskslaw.com

R. A. Lebron

on behalf of Creditor Towne Mortgage Company bankruptcy@fskslaw.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8